

## 46 Am. Jur. 2d Judges § 75

American Jurisprudence, Second Edition | February 2022 Update

### Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

### VIII. Liabilities

#### A. Civil Liability

#### 3. Effect of Jurisdiction or Lack Thereof

## § 75. Acts in determining jurisdiction for purposes of judicial immunity

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  35, 36

Judges who decide the question of their jurisdiction wrongly are not liable<sup>1</sup> for acts done pursuant to an erroneous decision that there is jurisdiction in a particular case.<sup>2</sup> Where jurisdiction of the subject matter is invested by law in either the judge or the court which the judge holds, the manner and the extent in which jurisdiction is exercised generally are as much questions for the judge's determination as any other question involved in the case, although the validity of the judgment may depend upon the correctness of the judge's determination.<sup>3</sup>

### Observation:

Since the control of the docket is a key function to the proper workings of a court, an appellate court judge who errs in the belief that the judge has authority to delay an appeal at most commits a grave procedural error, not an act undertaken in the clear absence of all jurisdiction.<sup>4</sup>

Footnotes

- 1 Ray v. Huddleston, 212 F. Supp. 343 (W.D. Ky. 1963), judgment *aff'd*, 327 F.2d 61 (6th Cir. 1964); Lucas v. Central Missouri Trust Co., 349 Mo. 537, 162 S.W.2d 569 (1942).
- 2 Lucas v. Central Missouri Trust Co., 349 Mo. 537, 162 S.W.2d 569 (1942).
- 3 Dellenbach v. Letsinger, 889 F.2d 755 (7th Cir. 1989); Lucas v. Central Missouri Trust Co., 349 Mo. 537, 162 S.W.2d 569 (1942).
- 4 Dellenbach v. Letsinger, 889 F.2d 755 (7th Cir. 1989).  
As to liability for decisions involving grave procedural errors, generally, see § 64.

---

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.